

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

**Thomas Sierra,**

Plaintiff,

v.

**Reynaldo Guevara et al.,**

Defendants.

No. 18 C 3029

Hon. John Z. Lee,  
District Judge

Hon. M. David Weisman,  
Magistrate Judge

**Parties' Joint Status Report**

Pursuant to the Court's order (dkt. 211), the parties submit the following joint status report:

**1. Current deadlines/Magistrate Judge referral**

This case has been referred to Magistrate Judge Weisman for discovery supervision. Judge Weisman has imposed a fact discovery deadline of June 25, 2021. The deadline for Defendant City of Chicago to complete production of Area 5 homicide files has been extended to January 15, 2021.

**2. Progress of discovery**

Discovery is ongoing in this case. Since the parties last appeared for a status hearing, they have continued to engage in written discovery and are continuing to work to coordinate additional remote depositions of third-party witnesses.

- Plaintiff has continued to attempt to schedule the deposition of third-party damages witness Tomas Sierra. Because Mr. Sierra is elderly and lives out of state with limited access to the technology necessary to conduct a remote deposition, Plaintiff has been unable to confirm a date for that deposition. Plaintiff is continuing his efforts to make the necessary arrangements for Mr. Sierra's deposition to proceed as soon as possible.
- The parties are working to schedule the third-party depositions of ASAs William Farrell, Patti Sudendorf, and Joseph Alesia. Plaintiff is in contact with counsel for ASAs Sudendorf and Alesia and are working to

find a date for their depositions. Defendants are in contact with ASA Farrell and is working to find a date for his deposition.

- The parties are working to schedule the deposition of third-party police officer J. Rodriguez. The City believes that Officer Rodriguez will be available for a deposition in December 2020, but a date for that deposition has not yet been set.
- Plaintiff intends to depose third-party witness Alberto Rodriguez, who is currently incarcerated in federal prison in Arkansas, and the Court has granted leave for that deposition to take place. Plaintiff's position is that Mr. Rodriguez cannot be deposed remotely, given the need for it to be recorded in the event it becomes his trial testimony and the challenges of conducting such a deposition with exhibits remotely, meaning that he will need to be deposed in person. Current rates of COVID infection and corresponding restrictions on travel and facility access prevent taking his deposition at this time. The parties intend to schedule his deposition as soon as it is safe and practical to do so.
- Finally, Plaintiff has previously requested dates for the depositions of all the Defendant officers in this case.

The parties have also filed a joint petition for an order to view and photograph impounded evidence in the Cook County Circuit Court. That petition is noticed for hearing on December 17, 2020.

### **3. Pending motions**

Plaintiff has filed a Motion to Compel Discovery Related to the *Klipfel* Lawsuit (dkt. 213). Defendants' response is due on December 15, 2020, and the motion is set for hearing before Magistrate Judge Weisman on January 8, 2021.

### **4. Settlement efforts**

There are currently no settlement discussions in this case.

### **5. Agreed proposed schedule**

The fact discovery deadline is June 25, 2021. The Court has not yet set an expert discovery or dispositive motion deadline. The parties are not requesting that this Court set expert discovery or dispositive motion deadlines at this time.

### **6. Any agreed action the Court can take without a hearing**

None at this time.

**7. Need for a telephonic hearing with the Court**

The parties do not believe a telephonic or in-person hearing with the judge is necessary at this time.

Dated: December 7, 2020

Respectfully submitted,

/s/ John Hazinski

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### **CERTIFICATE OF SERVICE**

I, John Hazinski, an attorney, hereby certify that on December 7, 2020 I caused the foregoing Joint Status Report to be filed using the Court's CM/ECF system, thereby effectuating service on all counsel of record.

/s/ John Hazinski  
*Attorney for Plaintiff*